NEW WEATHER SYSTEM PRONOUNCED FALLACIOUS BY CHIEF OF THE BUREAU

Who Warns People of the Nation against Long Range Weather Forecasts.

WASHINGTON, April 1.—The chief of the United States Weather Bureau states that in the opinion of the bureau a new system of long-range weather forecasting, which has been widely discussed recently, is quite fallacious. The new system is said to be based on the sun and rifts and shafts of solar radiation. In the opinion of the weather bureau forecasting based on lunar, planetary, magnetic, and astrological considerations. None of these systems, it is said, has any scientific value.

During the past few years the weather bureau has received full specifications concerning all the essential details of this particular system. The alleged discovery is, therefore, fully known to the weather bureau and has been carefully studied and examined by its scientific staff. Moreover, other scientists of international reputation now connected with the strongest institutions of the world engaged in astronomical research, and conducting investigations into solar and terrestrial physics, have also passed upon these theories These authorities are in accord that the deductions and conclusions drawn from the solar conditions on which the new system is based are unwarranted.

When the disk of the sun is minutely examined with powerful telescopes, of which it is photographed with the aid of the modern spectrohelliograph, the surface presents a characteristic spotted appearance which undergoes slight changes from day to day, and greater changes with longer intervals of time, depending upon the well known rotation of the sun upon its axis and the periodic recurrence of the sunspot maxima and minima. These and certain well-known related phenomena are now put forward as the basis of a new science which will make possible forecasts of the weather far in advance. That these features of solar activity, however, actually should control and determine the daily changes and sequence of weather conditions in any definite or direct and consequential manner, is regarded by the government as quite impossible. Solar phenomena of the kind described do not have any direct influence upon the weather at any particular time and place, and can not be made the basis of any forecasts whatsoever.

The alleged discovery is regarded as only one of a number of similar schemes which are continually being put forward. In some cases the advocates of these schemes assert that they can forecast the weather for weeks or months in advance, and in others they state that they have found means of producing rain artificially, of preventing hail, and in other ways of interfering with and controlling atmospheric phenomena. These pretensions meet with a certain credence because there are a number of people who still cling to the ancient belief in the influence of the moon on the growth and development of crops, and to the idea that the weather conditions depend upon planetary and astrological combinations. In consequence the weather bureau has been called upon from time to time to caution the general public against putting faith in these so-called discoveries.

The United States Weather Bureau itself is the authorized agency of the government to collect meterological observations and make and issue forecasts and warnings. Every important nation of the world has a similar organization and all use essentially the same methods. All of the organizations condemn and disprove the methods and theories of those who assert that they are able to predict the weather for any considerable period in advance.

NOTICE TO MUSICIANS.

Local No. 580, American Federation of Musicians, will hold its regular monthly meeting, Sunday morning, April 2nd, 1916, at 10 a. m. The business is important, and you are asked to be present. Bring your card with you.

HARVEY L. GREGORY,
President.

LOWER COURTS ARE REVERSED IN FIVE CASES

While There Are Four Affirmations and One Mandamus by the Supreme Court.

Of the ten cases in which the opinions were handed down by the supreme court of appeals this week, five were cases in which the court reversed the lower tribunals, four were affirmations of the judgment below, and one a mandamus case in which a writ was awarded against county court.

Syllibi in the other cases are as follows:

Harman vs. the New River and Pocahontas Consolidated Coal Company, McDowell county; judgment reversed; demurrer overruled; case remanded. Judge Miller.

In an action for personal injuries, if the declaration, as in this case, sufficiently states the relationship of master and servant, the duties of the former to the latter, and the breach of those duties by defendant, this is all that is required, and the declaration will be treated as good on demurrer.

In such cases the declaration need not set out the evidential facts upon which the rights of the parties may depend, and which may be developed on the trial.

Wright vs. Wright, Mason county; judgment affirmed. Judge Miller.

The remedy by certiorari given by section 2 of chapter 119, of the code, if available, in case of one erroneously adjudged a lunatic upon an inquisition by a justice, should be construed as cumulative, and not exclusive of the common law remedy by writ of habeas corpus, and as given by section 1, of chapter 111, serial section 4524, code 1915.

The finding of a justice upon an inquisition of lunacy is not conclusive of the fact of insanity, upon a subsequent inquiry into the same fact by the circuit court upon a writ of habeas corpus.

In such cases the finding of the justice upon such an inquisition at most constitutes but prima facie or presumptive evidence of the fact of insanity, and is not res adjudicata of that fact when relied on in bar of the right to have that fact again inquired into upon a writ of habeas corpus.

Snider vs. Robinett, Mercer county; reversed, new trial. President Williams.

In covenant there is no general issue, strictly speaking, as in debt, assumpsit or trespass on the case, and the plea of non est factum puts in issue only the execution of the covenant sued on. But if the declaration does not aver the covenant in its exact language, but simply its legal effect, the plea puts that matter in issue as well as its due execution.

To enable the court to construe a deed or other writing, ambiguous on its face, it is always permissible to prove the situation of the parties, the circumstances surrounding them when the contract was entered into and their subsequent conduct giving it a practical construction, but not their verbal declarations. But, if a latent ambiguity is disclosed by such evidence, such for instance as that the terms of the writing are equally applicable to two or more objects when only a certain one of them was meant then prior and contemporaneous transactions and collocutions of the parties are admissible, for the purpose of identifying the particular object intended.

Where a certified copy of a recorded deed is used as evidence in the trial of the issue of non est factum, in lieu of the original shown to have been lost, and there is no note or memorandum on such copy respecting any interlineation, erasure or alteration in the original, it is proper to refuse an instruction to the jury, the effect of which would be to tell them that they should consider the absence of any such memorandum as evidence, in determining whether certain words were added to the original deed after its execution by the grantor, when the evidence shows that the controverted words appeared as the concluding words of the last sentence in the deed, in regular order and in the same handwriting as the body thereof.

In an action of covenant, where the only issue is non est factum, it is error to give to the jury a binding instruction which ignores that issue.

Notwithstanding defendant does not take issue on an alleged breach of covenant, and pleads non est factum only, plaintiff can recover only nominal damages, if the termination of issue is favorable to him, unless he proves with reasonable certainty the extent of his actual damages.

Deegan vs. County Court of Logan county; in mandamus; writ awarded as to some precincts, refused as to others. President Williams.

It is the imperative duty of the county court of a county, at its first regular term next succeeding a regular election, to divide any voting precinct in the county, wherein the number of votes cast is shown by the election returns to be greater than 250, and to establish voting places therein. If it should fail or refuse to do so, it may be compelled by mandamus.

It is likewise the duty of a county court to divide any voting precinct in the county, which is shown by satisfactory proof to contain more than 250 legal voters, notwithstanding the returns of the last election showed fewer than 250 votes were cast therein. But the county court has a reasonable discretion as to the time when a division of such precinct shall be made; provided, however, the time be not extended so as to make a division impossible before the beginning of the ninety days next prior to a regular election.

W. H. Crawford vs. O. B. Lefevre; Berkeley county; reversed; remanded; by Judge Poffenbarger.

An appeal from a decree dissolving an injunction restraining a sale of shares of the capital stock of a corporation, held as a pledge to secure a debt, upon allegations that the debt was not due, notice to redeem had not been given and the notice of sale was insufficient, is not reduced to a moot case by lapse of time making the debt clearly due and conferring right to make a sale of the shares in a proper manner.

Upon a pledge of shares of the capital stock of a corporation to secure a debt, without a contract waiving either notice to redeem or notice of sale, both are indispensable conditions precedent to right of sale.

For such a sale, ten days' notice thereof by personal service upon the pledger or his actual knowledge of the time, place and terms, is reasonable and sufficient.

Monongahela and Western Dredging Company vs. Lloyd E. Smith; Wood county; affirmed by Judge Poffenbarger.

It is no defense to an action for compensation for work done, or the use of implements in the performance thereof, at the instance and upon the request, of the defendant, that a third party was known by the plaintiff to have been obligated to the defendant, by contract, to perform it, or to have been liable in damages to him for not having performed it or for breach of a contract occasioning the work, and to have performed slight services in the procurement of the contract on which the action is based.

A verdict for the defendant upon evidence disclosing such a relation, situation and contract is contrary to a clear and decided preponderance of the evidence, wherefore the action of the trial court in setting it aside is irreversible.

Summers et al vs. Hively; Roane county; decree reversed; bill dismissed; by Judge Lynch.

Unless the bar of the statute of frauds be removed under the rule of past performance, a written contract for the sale of real estate is not enforcible at the suit of the vendor against a vendee who has not signed the agreement personally or by agent.

Mere payment of the purchase money by the vendee not so signing is not sufficient part performance to render the agreement enforcible against him.

Where the purchaser, not signing the contract of sale, otherwise valid and mutually binding, by reliance on the statute of frauds defeats a suit by the vendor for specific performance, he is not entitled therein, upon an answer claiming such relief, to a recovery of the part of the consideration paid by him, if the vendor is able and willing to comply with the contract on his part by executing and delivering to the vendee a good and sufficient deed for the land upon payment of the balance of the purchase money.

A vendor, suing to enforce specific performance by his vendee, must be able to convey a title to the land reasonably free from doubt or defects. But title acquired by adverse possession is sufficient.

Shinn vs. Shinn; Jackson county; reversed; judgment here; by Judge Mason.

R. P. Shinn and his brother, J. O. Shinn, owned a farm jointly, and for many years were partners, dividing equally the profits of their business; R. P. Shinn was elected sheriff of his county, and by an agreement between them, J. O. Shinn was to continue the farming business, and R. P. Shinn was to act as sheriff, (J. O. Shinn having no connection with the office of sheriff); all the expense of the office, including election expenses, were to be paid from their partnership funds, and the profits arising from the office, together with the profits arising from the farm, were to be placed in a common fund and divided equally between them, held: This was not an illegal cantract, nor a violation of section 5, chapter 7, of the code.

By the contract above stated, the plaintiff as sheriff neither sold the office, nor "let it to farm." The defendant, J. O. Shinn, acquired no interest whatever in the office.

A person paying money under a mistake of fact to one not entitled to receive or retain it, may recover it in assumpsit.

A plea which raises no substantial defense to the action, is bad.

In an action of assumpsit, where there is a plea of non-assumpsit, and issue thereon, and fair, full, and complete trial had on the merits by the court in lieu of a jury, and a judgment for the defendant, and it appears to this court upon writ of error, that the judgment under the law and the evidence should have been for the plaintiff, this court will reverse the judgment of the circuit court and enter judgment for the plaintiff, notwithstanding the court permitted the defendant to file a deficient plea in the case over the objection of the plaintiff. The defendant will not be heard to complain of a bad plea filed by him to which the defendant objected, and the plaintiff will not be injured, or have cause to complain.

Griffith vs. American Coal Company Mercer county; affirmed by Judge Mason.

If an instruction asked for does not correctly propound the law, the court may correct and give it in the modified form.

Where an interrogatory has been submitted to the jury, and the jury fails to answer it, or report to the court that they disagree as to the answer, and a the same time return a general verdict, and the verdict is received by the court and the jury is discharged, and the party who submitted it does not object before the jury is discharged, to the discharge of the jury without answering the interrogatory, he will be deemed to have waived the right to have the answer.

Section 5, chapter 131, of the code, authorizes the court upon the trial of issues, to submit to the jury questions, and to require the jury to render separate verdicts upon the issues, or find in writing upon particular questions of fact. "Where any such separate verdict or special finding shall be inconsistent with the general verdict, the former shall control the latter." The purpose of the statute is to ascertain and separat one or more controlling facts, to the end that the existence or non-existence of some facts upon which the issue turns may be deliberately examined, patiently considered, and expressly found, so that a proper judgment may be rendered, according to the truth and the very right of the case.

It is proper not to permit an immaterial question to be propounded, and it is immaterial, unless an answer thereto, if contrary to the general verdict, would control the same, and be conclusive of the verdict.

The special findings, taken as a whole, must be clearly inconsistent with the general verdict, and, to be, inconsistent, they must clearly exclude conclusion that would authorize a verdict for the plaintiff.

A violation of the statute inhibiting the employment of boys under 14 years of age in coal mines constitutes actionable negligence whenever that violation is the natural and proximate cause of an injury.

The violation of the statute is rightly considered the proximate cause of an injury which is a natural, probable, and anticipated consequence of the non-observance.

The employer is not, as a matter of law, chargeable with all injuries that result during the unlawful employment. He is only liable for those injuries against which the statute is intended to guard.

If the employment is unlawful, the servant cannot be held to have assumed the risks incident thereto, including the risk of injury by fellow servants.

Contributory negligence on the part of a boy injured in the unlawful employment may avail the employer as a defense, unless it be the same that must reasonably be anticipated as a probable consequence of the non-observance of the law.

To sustain the defense of contributory negligence in such cases, it must be shown not only that the infant employe had capacity to understand and appreciate his instructions and warnings against the dangers incident to his unlawful employment, but that he in fact did understand them, and that his supposed negligent act was not such as the statute was intended to provide against, but also that he was possessed of such unusual wisdom and sagacity as to take him out of youths under 14 years which the statute was intended to protect.

An appellate court will not grant a new trial on the sole ground that the verdict is contrary to the evidence, unless the verdict is manifestly wrong or is plainly not warranted by the facts.

DOZEN ARSENALS

Are Maintained by the United States for Making Supplies for the Army.

WASHINGTON, April, 1.—A dozen arsenals are maintained by the United States for making supplies for the army. All the muskets, small-arm ammunition, and personal and horse equipments required are manufactured by the War Department, but of other classes of ammunition, small arms, small cannon, and gun carriages a considerable proportion of the requirements is supplied by private establishments. The locations of these arsenals and their functions are:

Watertown, Mass., manufacturing principally seacoast gun carriages; Springfield, Mass., small arms; Watervliet, N. Y., cannon, large and small; Frankfort (Philadelphia), Pa., ammunition for small arms and mobile artillery; Rock Island, Ill., personal and horse equipments, carriages for mobile artillery and small arms; Governors Island, N. Y., storage, issue and purchase; Sandy Hook, N. J., proving ground; Picatinny, Dover, N. J., smokeless powder; and Augusta, Ga., San Antonio, Tex., Benicia, Calif., and Manila, Philippines, for storage and repair.

HATCHINGS FROM THE BOOBY HATCH

TODAY'S HEALTH HINT.

Don't call Jess Willard a liar. It's hard on the eyes.

—o—

LIGHT OCCUPATIONS.

Waiting for leaves to grow on a hall tree.

Watching for the next appearance of Halley's comet.

Looking for traces of human intelligence in a newspaperman.

—o—

SUGGESTED HEADLINES FOR THE HEARST NEWSPAPERS.

Wilson Not Assassinated.
President Wilson is Not Assassinated Today and He Still Lives.

Senator Penrose Saved.
No Bomb Explodes in Senator's Apartments and He is Not Dead.

Cabinet Intact.
Sensation Sprung Today When No Cabinet Members Resign.

— o —

Sir: What, in your opinion, is the driest piece of literature on the market? A. M. T.

The Congressional Record.

— o —

EXPANSION.

(From the Bryan, O., Press.)

James Hudkins bought a mule north of Bryan last week. He also has a new parlor he entertains his company in.

— o —

Twenty-five persons killed in wreck on the New York Central.—News item.

Stealing the New Haven's stuff.

— o —

Commits suicide by killing himself.—Headline.

Quite original.

— o —

THE OLD TUNES ARE THE BEST.

(From the Altamont, Mo., Times.)

We are in hopes that by the time the colt show comes off next fall the band can play a few new pieces of music, as it is they have played the same music since the organization several years ago.

— o —

WASTED ENERGY.

Trying to crank your flivver when the gasoline tank is empty.

— o —

Sir: I notice the movie press agents have a new one. Witness the following: "Miss Marie Empress of the ..... company, denies the report that she has gone to Australia, South Africa or any other foreign country." Who the dickens ever said she had left the country? P. J.

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Ring W. Lardner describes the seventh round of the Willard-Moran fight as follows:

Round seven—Willard hurt his head figuring five per cent on $47,500. Moran's round.

— o —

When blood spurted from Moran's eye in the fourth round of the Willard-Moran bout it was the first intimation that anyone, except the crowd, was suffering.

— o —

It is reported that one E. J. Doyle has picked the Boston Nationals to cop the pennant in the National League this season. Whereupon we offer to bet ten to one that the Boston Nationals will finish in the last place. Somehow or other E. J. can't cipher the hieroglyphics.

SAYS JUSTICE ATTACKED HER

Magistrate Tore Her Clothing in the Struggle, Woman Tells Court.

ATLANTIC CITY, April 1.—How Squire Joseph Weeks, of Pleasantville, kidnapped Mrs. Imogene Boss, a comely Baltimore woman of thirty, and forced her to accompany him on a joyride along "Lover's Lane," in his auto, was minutely described to a jury at May's Landing. Nearly the whole town of Pleasantville jammed the courtroom.

Screams for Help.

The strongest testimony against him came from Mrs. Boss, who detailed his alleged attacks upon her while she screamed for help and tried to fight him off. Her testimony was corroborated by a physician in part and by former Sheriff Enoch L. Johnson.

The story she related had its beginning last Jury, shortly after she had been arrested in company with Thomas Cunningham, 22, a son of a Philadelphia contractor, on charges preferred by the youth's family, who sought to break up the infatuation the youth had for her.

According to her testimony, the squire, before whom they had been arraigned, asked her to come to his office and then informed her that he was a friend of her companion and would bring her to this city, where he would get bail for Cunningham. Weeks, she said, met her by appointment after dark that evening on the outskirts of Pleasantville.

"Judge" Weeks started for the Meadow boulevard leading to this resort, but suddenly swerved into a side road and arrived upon "Delilah road"—a smooth gravel highway long favored by motor spooners and where the 52-year-old magistrate had bagged hundreds of speeders.

Hugs and Kisses.

"I asked him where he was going" Mrs. Moss testified. "He replied, 'Oh you! Ain't this a nice moonlight night? Wouldn't you like to spoon a while with me?' Then he started hugging and kissing me, despite my protests and efforts to resist him." Mrs. Boss had previously related the same story to the grand jury, obtaining the indictment of both Weeks and William Speese, his favorite constable, on serious charges.

She then told how he had finally driven his machine into the bushes at the side of a lonely stretch of the road; of a desperate fight that had ensued, during which her clothing had been torn to shreds, her shoulders and wrists bruised and of finally being overpowered in the back of the car.

Weeks recently was held under heavy bail for the grand jury on the charge of misappropriating funds of his office.

MAYOR SITS ON BURGLAR

While His Wife Calls in the Police and Criminal is Now in Jail.

CHICO, Calif., April 1—While Mayor William Robbie and his son, Warren, sat on the chest of a burglar who had invaded the family dining room at night, Mrs. Robbie telephoned for the police. The result is that James Kennedy is in jail and the Robbie household goods are intact.

Kennedy broke open a screen door of the Robbie home. The family were asleep in an adjoining bed room and the noise woke Robbie. The mayor and his son walked stealthily to the dining room, where they beheld the burglar crouching near the table. The intruder ran into the kitchen. The mayor and his son gave chase, caught him, pounced upon him, threw him on his back and then sat on him.

Meanwhile, Mrs. Robbie summoned help and in a short time policeman arrived on the scene and took the captive in town.

Neither the mayor nor his son was armed. Kennedy made no resistance and had nothing to say for himself.

ROOSEVELT TOLD THAT COUNTRY WANTS HIM

Fight Begins for Both the Progressive and Republican Nominations.

OYSTER BAY, N. Y., April 1.—Colonel Roosevelt is back at Sagamore Hill and the fight is on to nominate him for president at the Republican and Progressive national conventions in Chicago on June 7. The colonel isn't going to do anything to stop this fight.

In his statement at Trinidad he indicated that he would be a candidate for the presidency if the mood of the nation had anything of the heroic in it. It is now evident that the Colonel believes—or at least his most intimate friends believe—that the nation's mood has become heroic. George W. Perkins and Horace Wilkinson told him in New York that the campaign had been launched to make him the nominee.

The conference of the colonel, Mr. Perkins, chairman of the executive committee of the Progressive party, and Mr. Wilkinson, Progressive leader of Syracuse, was held at the home of the colonel's son-in-law, Dr. Richard Darby, at 116 East Seventy-ninth street.

Perkins Tells of Call for T. R.

There Mr. Perkins told the Colonel of the reports that had been coming in, demanding that he run, and of the interpretation that had been placed on his statement from the West Indies—that he would be a candidate if there was a countrywide demand for him. The colonel, it is known, did not draw away an inch from his stand as laid down in that statement. Mr. Perkins is said to have appraised him of the fact that not only was there a countrywide demand for him, but that there was about to burst into bloom a countrywide boom for him to lead the fight against Wilson.

The colonel would make no statement of a political nature, but he came back home knowing of the contest that is going to be waged between now and the time the Chicago conventions meet. He saw his publishers in New York and had luncheon with his son Theodore Roosevelt, Jr., but he refused to see a number of Republicans of Roosevelt leaning who wanted to talk with him. They seemed to be delighted to hear that he seemed to be perfectly willing to let the battle for his nomination begin. They are expected to start pilgrimages to Sagamore Hill in the coming week.

Talks About Bird.

The only thing that the colonel would say for publication had to do with the Guacharo, the strange bird, which he came across for the first time while in Trinidad. He has been flooded with messages about this bird.

"I have been asked a lot of questions about this bird with whiskers," he said. "I don't believe they have anything like it at the Zoo. In fact, I understand that the bird cannot live in this climate. At least, it is an interesting bird."

A German substitute for sole leather withstood six weeks' test of the severest character.